



U.S. Coast Guard

Ballast Water Discharge Standard

Final Rule Regulatory Update



*Presented at ANSTF Fall Meeting,
November 2014*

U.S. Coast Guard
Environmental Standards Division
Washington, D.C.



Overview

- Applicability/Requirements
- Compliance Options for Ship owners
- Coast Guard Type Approval and Independent Labs
- Alternate Management Systems (AMS)
- Extensions to Implementation Date
- Compliance and Enforcement
- Policy Update
- Rumor Control!



Applicability/Requirements



Regulation	Requirement
Jurisdiction	U.S. territorial sea – 12 nautical miles
Applicability/Exemptions	Vessels equipped with BW tanks and operate in waters of U.S. Does not apply to: non-seagoing vessels; sea-going vessels that do not operate outside EEZ and are less than 1,600 Gross Register Tons or 3,000 ITC; and, vessels that operate exclusively in 1 COTP Zone.
Implementation Schedule Dates are January 1 unless specified (First regularly scheduled drydocking after a vessel's compliance date)	New Vessels (Dec 1, 2013 keel laying): On delivery Existing Vessels (BW capacity in cubic meters): <1,500: 2016 1,500 - 5,000: 2014 >5,000: 2016
Great Lakes	Applies to sea-going vessels over 1,600 GRT that depart the Great Lakes, transit beyond Anticosti Island, return and pass upstream of Snell Lock, aka "Salties."



COMPLIANCE OPTIONS



1. No BW Discharge



2. Coast Guard Approved Ballast Water Management System



3. Discharge to Facility Onshore or to Another Vessel for Purpose of Treatment



4. Use only water from a U.S. Public Water System



Two Temporary Compliance Alternatives



1. Alternate Management System (AMS) – Temporary Designation for up to 5 years



2. Receive an Extension to Implementation Date - Extension period will vary/dependent upon TA system availability





Type Approval

Two paths to follow:

- 1. Evaluation of some/all existing test data and information from type approval testing for a foreign administration.
 - Applicant must include:
 - Data and information;
 - Explanation of how submission meets or exceeds Coast Guard type approval requirements.
 - Data and information must be reviewed by independent laboratory (IL) .
 - Additional testing / evaluation by an IL may be required.
- 2. Evaluation of test data and information produced and submitted by an IL.



Accepted Independent Labs



NSF Int'l, Ann Arbor, MI



DNV

Det Norske Veritas
Hovik, Norway



Danish Hydraulic Institute (DHI)
Horsholm, Denmark



California Maritime
T/S Golden Bear



Coast Guard Type Approval Principles



- Independence
 - Equipment must be operated by independent lab personnel or the ship's crew during testing... not the manufacturer!
- Requirements are specified in regulations
- Comprehensive assessment
 - Biological efficacy (discharge standard)
 - Engineering performance (dosages and set points)
- Market-ready technologies
 - No R&D adjustments during testing, equipment must not be operated by manufacturer during testing!

Not Guidelines!



Regulatory Requirements

- Regulation - an authoritative rule dealing with details or procedure
- Guideline - a rule or instruction that shows or tells how something should be done
- Coast Guard type approval regulations have little tolerance for “interpretation” or “compromise” but...
- Coast Guard regulations provide for alternative testing procedures or methods as long as they are determined to be equivalent to requirements specified in regulation, refer to 46 CFR 162.060-10 (b)(1)



Temporary Compliance Alternate Management Systems (AMS)



- Temporary acceptance of a treatment system that has been type approved by a Foreign Administration in accordance with the BWM Convention.
 - AMS deemed to be “at least as effective as BWE”
- Bridging strategy to address fact that foreign type-approved systems:
 - Were installed prior to publication of the FR
 - Continue to be installed prior to availability of USCG approved BWMS
- AMS used in lieu of BWE prior to compliance date
 - 5-year grandfather period after vessel compliance date
- The availability of AMS does not prohibit a vessel owner from receiving an extension from the Coast Guard.



AMS & Type Approval Status



- ❑ Currently 47 AMS Acceptances have been granted to BW systems with Foreign Administration approval.
- ❑ Coast Guard subject matter experts have noted during AMS acceptance reviews inconsistencies in type approval testing results accepted by Foreign Administrations using the BW Management Convention's G8 Guidelines, i.e. lack of QA/QC & use of testing procedures that have not been independently validated.
- ❑ Coast Guard has NOT received any formal applications for type approval, which include IL's evaluation, at this time.
- ❑ Several discussions underway between CG, ILs & BW management system manufacturers regarding gaps in existing data used to support previously foreign administration type approval.
- ❑ Some type approval testing underway at this time!

Comparison:

Fact vs. Fiction?

AMS vs Type Approval



- ✓ AMS and U.S. type approval are separate programs.
- ✓ **AMS acceptance:**
 - Is NOT approval.... It's an acceptance as an alternative to BWE.
 - Is NOT a first step to gaining Coast Guard type approval.
 - Does NOT guarantee Coast Guard type approval.
 - Does NOT directly assist in obtaining Coast Guard type approval.
 - Is NOT required for Coast Guard type approval.
- ✓ **AMS application requires submittal of an “informal” type approval application:**
 - Help identify to the Coast Guard and applicant data gaps and other issues that may prevent or delay U.S. type approval in the future.
 - Does NOT affect AMS acceptance.
 - Does NOT start the type approval process.
- ✓ **Basis:**
 - AMS acceptance - foreign administration type approval using G8 Guidelines.
 - Coast Guard type approval - test data and information approved in accordance with Coast Guard regulations contained in 46 CFR 162.060.

Ballast Water Discharge Standard Implementation Date Extensions

- ❑ Coast Guard Extension Policy – CG-OES Policy 13-01, available on Homeport
- ❑ Basis for extension: CG type approved BWMS, shore facility, U.S. public water supply, or retention in U.S. waters are not available or practicable.
- ❑ Extensions for minimum time needed to comply with BWM requirements.
- ❑ Currently being issued with a set compliance date of January 1, 2016 for vessels with DD in 2014 and January 1, 2017 for vessels with DD in 2015.
- ❑ Over 300 extensions issued to date to vessels that have DD in 2014 and 2015.

Implementation Date Extensions

Coast Guard & EPA Review

- ❑ Joint Letter Signed by Coast Guard & EPA Explains Coordinated Approach in Reviewing Extension Requests Submitted to the Coast Guard.
- ❑ Drydock dates in the extension request letter sent to the Coast Guard and listed in Vessel General Permit (VGP) Notice of Intent should be the same. Coast Guard & EPA are comparing information before extensions are granted. Discrepancies will delay approval of extension.
- ❑ EPA issued an Enforcement Policy that applies only to vessels with a Coast Guard extension to BW implementation date.
- ❑ Questions regarding EPA Enforcement Policy should be directed to EPA – VGP@EPA.Gov



Response to Rumors

- Coast Guard is NOT changing any Implementation Dates contained in the Final Rule
- Coast Guard is NOT removing any systems from AMS Acceptance List
- Coast Guard does NOT have preference for any type of treatment system technology
- Coast Guard does NOT need ETV shipboard testing protocols to Type Approve Ballast Water Treatment Systems
- Coast Guard will NOT wait to issue a type approval certificate if an application demonstrates that all criteria for type approval has been met.



Compliance and Enforcement

- Assess compliance during regular vessel inspections
 - Port State control examinations for foreign flags
 - Domestic vessel inspections
- Follow existing compliance approach
 - Documents (certifications and records)
 - Crew knowledge
 - Equipment condition and operation
 - Sample discharge if warranted
- Sampling and analysis methods and tools in development



Questions?

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